

SEALED

UNITED STATES DISTRICT COURT
U.S. DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
FILED

UNITED STATES OF AMERICA, 2018 APR 10 P 4:10

Plaintiff,

STEPHEN C. DRIES
CLERK

v.

18-CR-70

Case No.

[18 U.S.C. §§ 1343 & 1028A(1)]

ADAM YVES PAUL,
FRANTZ AUBERT NELSON, and
YANN ASMIEL POYE,

Defendants.

INDICTMENT

THE GRAND JURY CHARGES:

INTRODUCTION
(The Scheme to Defraud)

1. Beginning by at least June 29, 2017, and continuing until at least August 11, 2017, in the State and Eastern District of Wisconsin and elsewhere,

**ADAM YVES PAUL, FRANTZ AUBERT NELSON, and
YANN ASMIEL POYE,**

and others, known and unknown to the grand jury, with the intent to defraud, knowingly participated in a scheme to defraud and to obtain money by means of materially false and fraudulent pretenses and representations (the “scheme”), which is further described below.

2. The essence of the scheme was that members of the scheme unlawfully obtained information about US Bank customers’ accounts, including debit and credit card information and associated PIN numbers. Members of the scheme, including Paul, Nelson, and Poye then used

counterfeit cards and stolen PIN information at automated teller machines (“ATMs”) to withdraw funds from US Bank customers’ accounts without the customers’ consent or knowledge.

3. The total amount of loss caused by the scheme is not known. However, Paul used stolen identities to withdraw at least \$73,290.23, Nelson used stolen identities to withdraw at least \$35,564.76, and Poye used stolen identities to withdraw at least \$23,439.37. Furthermore, Paul used stolen identities to attempt to withdraw at least \$28,800, Nelson used stolen identities to attempt to withdraw at least \$16,140, and Poye used stolen identities to attempt to withdraw at least \$11,000.

COUNTS ONE THROUGH NINE
(Wire Fraud)

THE GRAND JURY FURTHER CHARGES:

4. The allegations set forth above in paragraphs one through three of this Indictment are hereby incorporated in support of the following charges as if set forth in full here.

5. Every US Bank ATM withdrawal or attempted withdrawal in the United States causes an interstate wire to be sent to a server in Kansas to determine whether a withdrawal will be allowed. The servers in Kansas then send a wire back to the ATM indicating whether the withdrawal should be allowed.

6. On the dates specified in the chart below, in the State and Eastern District of Wisconsin and elsewhere,

**ADAM YVES PAUL,
FRANTZ AUBERT NELSON, and
YANN ASMIEL POYE,**

for the purpose of executing the scheme described in paragraphs one through three of this Indictment, and attempting to do so, caused the following interstate wire communications to take place:

Count	Defendant	Date	Description of Interstate Wire
One	Adam Yves Paul	July 7, 2017	Paul withdrew \$1,200 from Victim K.J.'s (Franklin, WI) US Bank Account using a US Bank ATM located in Oak Creek, WI
Two	Adam Yves Paul	July 9, 2017	Paul withdrew \$1,000 from Victim J.S.'s (New Berlin, WI) U.S. Bank Account using a US Bank ATM in Oak Creek, WI
Three	Adam Yves Paul	July 9, 2017	Paul withdrew \$1,200 from Victim M.G.'s (Green Bay, WI) U.S. Bank Account using a US Bank ATM in Oak Creek, WI.

Count	Defendant	Date	Description of Interstate Wire
Four	Yann Asmiel Poye	July 7, 2017	Poye withdrew \$800 from Victim J.L.'s (Oak Park, Illinois) US Bank account from an US Bank ATM located in Oak Creek, WI.
Five	Yann Asmiel Poye	July 7, 2017	Poye withdrew \$1,200 from Victim D.H.'s (Greenville, SC) account from a US Bank ATM in Oak Creek, WI
Six	Yann Asmiel Poye	July 8, 2017	Poye withdrew \$800 from Victim J.L.'s (Oak Park, Illinois) US Bank account from a US Bank ATM in Greendale, WI.
Seven	Frantz Aubert Nelson	July 12, 2017	Nelson withdrew \$800 from Victim J.L.'s (Oak Park, Illinois) US Bank account from a US Bank ATM in Greendale, WI.
Eight	Frantz Aubert Nelson	July 15, 2017	Nelson withdrew \$1,200 from Victim M.G.'s (Green Bay, WI) US Bank account from a US Bank ATM in Brookfield, WI.
Nine	Frantz Aubert Nelson	July 24, 2017	Nelson withdrew \$800 from Victim J.S.'s (Germantown, WI) US Bank account from a US Bank ATM in Brookfield, WI.

All in violation of Title 18, United States Code, Section 1343.

COUNTS TEN THROUGH EIGHTEEN
(Aggravated Identity Theft)

THE GRAND JURY FURTHER CHARGES:

7. The allegations set forth above in paragraphs one through six of this Indictment are hereby incorporated in support of the following charges as if set forth in full here.

8. On the dates specified in the chart below, in the State and Eastern District of Wisconsin and elsewhere,

**ADAM YVES PAUL,
FRANTZ AUBERT NELSON, and
YANN ASMIEL POYE,**

during and in relation to the crimes charged in Counts One through Eight of the Indictment, knowingly possessed and used, without lawful authority, the means of identification of another person as described below.

Count/Associated Count	Defendant	Date	Description of Use of Means of Identification
Ten/One	Adam Yves Paul	July 7, 2017	Paul withdrew \$1,200 from Victim K.J.'s (Franklin, WI) US Bank Account using the Victim's debit card information and PIN at a US Bank ATM located in Oak Creek, WI.
Eleven/Two	Adam Yves Paul	July 9, 2017	Paul withdrew \$1,000 from Victim J.S.'s (New Berlin, WI) U.S. Bank Account using the Victim's debit card information and PIN at a US Bank Located in Oak Creek, WI
Twelve/Three	Adam Yves Paul	July 9, 2017	Paul withdrew \$1,200 from Victim M.G.'s (Green Bay, WI) U.S. Bank Account using the Victim's debit card information and PIN at a US Bank ATM in Oak Creek, WI.
Thirteen/Four	Yann Asmiel Poye	July 7, 2017	Poye withdrew \$800 from Victim J.L.'s (Oak Park, Illinois) US Bank account using the Victim's debit card information and PIN at from an US Bank ATM located in Oak Creek, WI.
Fourteen/Five	Yann Asmiel Poye	July 7, 2017	Poye withdrew \$1,200 from Victim D.H.'s (Greenville, SC) account using the Victim's

Count/Associated Count	Defendant	Date	Description of Use of Means of Identification
			debit card information and PIN at from a US Bank ATM in Oak Creek, WI
Fifteen/Six	Yann Asmiel Poye	July 8, 2017	Poye withdrew \$800 from Victim J.L.'s (Oak Park, Illinois) US Bank using the Victim's debit card information and PIN at account from a US Bank ATM in Greendale, WI.
Sixteen/Seven	Frantz Aubert Nelson	July 12, 2017	Nelson withdrew \$800 from Victim J.L.'s (Oak Park, Illinois) US Bank account using the Victim's debit card information and PIN at a US Bank ATM in Greendale, WI.
Seventeen/Eight	Frantz Aubert Nelson	July 15, 2017	Nelson withdrew \$1,200 from Victim M.G.'s (Green Bay, WI) US Bank account using the Victim's debit card information and PIN at a US Bank ATM in Brookfield, WI.
Eighteen/Nine	Frantz Aubert Nelson	July 24, 2017	Nelson withdrew \$800 from Victim J.S.'s (Germantown, WI) account from US Bank account using the Victim's debit card information and PIN at a US Bank ATM in Brookfield, WI.

All in violation of Title 18, United States Code, Section 1028A(a)(1).

FORFEITURE NOTICE

9. Upon conviction of one or more of the wire fraud offenses in violation of Title 18, United States Code, Section 1343, set forth in Counts One through Eight of the Indictment, the defendants shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense or offenses of conviction. The property to be forfeited includes, but is not limited to, a sum of money equal to the proceeds derived from the offense or offenses.

10. Upon conviction of the offenses in violation of Title 18, United States Code, Section 1028A, set forth in Counts Nine through Sixteen of this Indictment, the Defendants, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and Title 28, United States Code, Section 2461(c), any real or personal property constituting, or derived from, proceeds the person obtained directly or indirectly as a result of the offense. The property to be forfeited includes, but is not limited to, a sum of money equal to the proceeds derived from the offenses.

11. If any of the property described above, as a result of any act or omission by a defendant: cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third person; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or has been commingled with other property which cannot be subdivided without difficulty, the United States of America shall be entitled to forfeiture of substitute property, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

A TRUE BILL:

[REDACTED]
FOREPERSON

Dated: 4-10-2018



MATTHEW D. KRUEGER
United States Attorney